

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

IRA RAY DEAN HARTFORD IV,

Petitioner,

V.

DAVIS,

Respondent.

Case No. C19-5771-RBL-TLF

ORDER ADOPTING REPORT AND RECOMMENDATION

THIS MATTER is before the Court on Magistrate Judge Fricke's Report and Recommendation [Dkt. #12], recommending that the Court dismiss petitioner's 28 U.S.C. § 2254 habeas corpus petition without prejudice:

- (1) the Magistrate Judge's report and recommendation is ADOPTED;
- (2) petitioner's 28 U.S.C. § 2254 habeas corpus petition is DISMISSED without prejudice for lack of jurisdiction and based on petitioner's failure to comply with a Court order; and
- (3) to the extent the petition also seeks to challenge conditions of confinement, such claims are also dismissed without prejudice and with leave to re-file under 42 U.S.C. § 1983; and
- (4) a Certificate of Appealability is DENIED; and

1 (5) the Clerk is directed to send copies of this Order to petitioner.

2 **IT IS SO ORDERED.**

3 Dated this 15th day of January, 2020.

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8 Ronald B. Leighton
9 United States District Judge

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